

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JUNE 2, 2010 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present. Also present was Ms. Karen Mahalick, A.I.C.P., Administrator, Ms. Estefanie Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Abrams made a motion to approve the Agenda as presented. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

4. APPROVAL OF CONSENT AGENDA.

A. Regular Council Meeting Minutes of May 19, 2010.

B. Acknowledge Receipt of Planning & Zoning Commission Meeting Minutes of May 17, 2010.

C. Acknowledge Receipt of Parks & Recreation Advisory Committee Meeting Minutes of April 26, 2010.

MOTION: Councilor Simmons made a motion to approve the Consent Agenda with the removal Item 4C to be discussed after Item 6. Councilor Ring seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abrams voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

5. MATTERS FROM THE MAYOR.

None.

6. MATTERS FROM THE COUNCILORS and or ANNOUNCEMENTS.

A. Ms. Terri Harris, Appreciation for Donation of AED – Councilor Simmons.

Councilor Hill discussed a conversation with Commissioner Elect Robert Anaya who stated he would pursue a working relationship with the Town and would help in any way possible. Mayor Stearley stated he had received a similar response from Mr. Jim Smith Representative Elect.

Councilor Simmons introduced Ms. Terri Harris and expressed appreciation for the donation of the A.E. D. to the Town Police Department. She added the event for the donation for the A.E.D. is now scheduled for June 10, 2010 at the Heart Hospital and all Council members are invited as well as the Mayor.

Mayor Stearley read the letter of appreciation from Chief Daniels.

Mr. Harris made a presentation regarding the donation of the A.E.D to the Town of Edgewood Police Department.

At this time the Council discussed Item 4C.

Councilor Simmons discussed the re-naming of the park as well as other items from the Parks & Recreation Advisory Committee Meeting Minutes.

Councilor Hill pointed out that Mr. Steve Shepherd was here this evening on behalf of Santa Fe County.

Mr. Shepherd stated he would get in touch with Ms. Beth Mills regarding the game fencing and correspondence with COLTPAC.

Councilor Ring expressed an interest in seeing the Geocaching idea move forward including some classes to instruct people to use their GPS devices. He also offered to assist if needed.

MOTION: Councilor Hill made a motion to acknowledge receipt of the Parks & Recreation Advisory Committee Meeting Minutes of April 26, 2010. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

7. MATTERS FROM THE ATTORNEY.

A. Chamber of Commerce Political Events.

Mr. Rael discussed the issue of political events being held at the Chamber of Commerce. He added that equal opportunity events for all candidates would be allowable and he would put together the terminology to be added to the agreement that is up for renewal between the Chamber and the Town to be reviewed at the next regular Council meeting.

Councilor Abrams asked if it would be appropriate for the Chamber to appoint a Political Action Committee that is not associated with the public or the Town operations as a means to avoid conflicts of interest.

Mr. Rael responded that it may cause more issues because a political action committee could end up endorsing candidates which is what we are trying to avoid as a publically funded operation that should have equal access for everyone.

Mr. Tony Scott discussed the agreement between the Chamber and the Town stating that it is just like any other lease in which the entity uses the facility as they see fit. He added that he was perplexed at the idea of having some language in the agreement allowing the Town to control certain events the Chamber holds.

Mr. Tony Scott confirmed that the gray area seems to be that the Chamber is somehow funded by the Town and in the agreement between the Chamber and the Town it is stated the Town provides a lease space and the Chamber provides promotion for the Town. In that context it seems it would be no different than a lease for any other entity to use the space as that entity sees fit.

Mr. Rael responded that if this was a normal landlord/tenant agreement the Town would not have a say in events but the fact that public funds are involved is where this becomes an issue. He continued that the building is publically funded and the Chamber is not required to pay rent for use of the facility.

Mayor Stearley stated Mr. Rael's amendments to the contract would deal strictly with political events.

Councilor Ring suggested the Chamber place a statement on their website during political season, to serve as notice that the facility is available to all parties.

Councilor Abrams stated his understanding of the original agreement was the Town was going to supply a visitor center to promote the Town and in order to stay on the right side of the law it be used as a visitors center and nothing more.

Mr. Scott stated that during normal business hours that is how the office functions.

Councilor Abrams stated the Town was treading on very shaky ground funding a public space with private uses with no rules. If there are rules to be followed that will abide by State Law that would be the thing to do.

Councilor Hill stated that a discussion should be scheduled at the meeting to renew the agreement and the details can be worked out then. He added that there needs to be some flexibility for the Chamber to use the space for their best interest within the confines of the law.

Mr. Rael stated that it becomes a little convoluted and he would put something together for the Council to review with the Chamber at the next meeting.

8. MATTERS FROM THE MUNICIPAL JUDGE.

A. Judge White will present his report for the month of May, 2010.

Judge White reviewed his report for the month of May 2010. He also discussed the reimbursement for supplies that had been received as well as upcoming training for himself and Ms. Smith now in June. A conference is scheduled concerning the software in Kansas City in September.

9. PUBLIC COMMENTS. Limit to 2 minutes per person.

Note: If you plan to testify under Public Hearings, please do not sign up for this topic.

None.

10. PUBLIC CELEBRATION PERMIT – Mr. Roger Alink

A. World Blacksmith Championship, Park Tours, Wine Tasting & Sales to be held June 11-12, 2010 at Wildlife West Nature Park.

Mr. Alink described the event for the Council and public and asked for Councils approval.

MOTION: Councilor Simmons made a motion to approve the Public Celebration Permit. Councilor Abrams seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abrams voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

11. PUBLIC HEARINGS.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick certified that public notice had been posted as required.

A. An ordinance governing the wastewater and sewage disposal system of the Town and providing for the authority of the Town of Edgewood to provide a penalty.

Ms. Mahalick reviewed this item for the Council outlining the changes.

Mr. Rael confirmed that as the wastewater system becomes available, businesses will be required to hook up. He continued that this would protect the water supply as well as limiting the number of septic systems in use.

Mayor Stearley expressed concern regarding the expense that business owners are facing for hook up especially if they will require a lift station.

Mr. Rael responded that he could add a hardship clause stating that individual cases could be brought before the Council for consideration.

Councilor Hill expressed concern over a hardship clause and septic systems that were not functioning properly as well as the definition of availability to the system and maintaining groundwater quality.

Ms. Mahalick reminded the Council that the laterals were removed from the system design along Route 66 and therefore the system is not available to some of those businesses at this time. She agreed that the availability was somewhat ambiguous and should be defined.

Councilor Simmons discussed placing a time limit for connection.

Mayor Stearley suggested that hardship cases be reviewed administratively to preserve privacy.

Councilor Ring stated that allowing exceptions for hardship cases could lead to requests for variances. It is important that they be handled consistently. He also requested the Council consider allowing for installment payments for hook up.

Mr. Rael stated he would look into installment payments and present this information to the Council for consideration at a later meeting.

Councilor Simmons discussed some punctuation changes to the Ordinance and requested that acronyms be spelled out.

Council and staff discussed the requirement of a permit for the installation of a septic tank for a modular or mobile home as a means to track changes or additions to a lot within the Town.

Ms. Mahalick suggested the Council move on the Ordinance tonight with the removal of Item E to be considered at a future Public Hearing.

Council agreed to discuss the Ordinance further, leave Item E, and make changes to that portion at a later date.

At this time Council and staff discussed some additional changes to the Ordinance and requested Mr. Rael move forward in making these changes including Contractor Bonding and bring it back for Council approval.

MOTION: Councilor Hill made a motion to come out of Public Hearing. Councilor Abrams seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abrams voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Mayor Stearley closed the Public Hearing.

MOTION: Councilor Hill made a motion to adopt Ordinance 2010-02 as revised per discussion with the understanding that additional addendum and language will be forthcoming from legal Council. Councilor Ring seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

B. Town of Edgewood Personnel Ordinance No. 2003-5 as amended 09/05/07 –
Remove Section 2.28.050 E.1 and E.2 Nepotism.

Mayor Stearley called for Council to enter into a Public Hearing.

MOTION: Councilor Hill made a motion to enter into Public Hearing. Councilor Abrams seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abrams voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Ms. Mahalick reviewed this item for the Council discussing the removal of the Nepotism Clause from the Personnel Ordinance and replacing it with a policy statement and requested approval from the Council.

MOTION: Councilor Abrams made a motion to come out of Public Hearing. Councilor Hill seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abrams voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

MOTION: Councilor Ring made a motion to remove Section 2.28.050 E.1 and E.2 Nepotism from Personnel Ordinance No. 2003-5. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Abrams voted aye. Councilor Ring voted aye. The motion carried.

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

A. Request for a Zone Change from R-1 Residential to R-3 Residential/Institutional. #6
Puesta Del Sol Court, Edgewood, New Mexico.

(NOTE: APPLICANT HAS WITHDRAWN REQUEST)

Ms. Mahalick reviewed this item for the Council. Council entered into discussions and agreed to have Legal Council do some research and report back to them.

12. MATTERS FROM THE ADMINISTRATOR/PLANNER.

A. Town of Edgewood Police Department Reserve Program.

Ms. Mahalick reviewed this item for the Council and asked if they had any feedback.

Mr. Rael requested that Council wait to see what the State Court of Appeals decides and what the requirements will be for Reserve Officer Programs.

13. ANNOUNCEMENTS & CALENDAR REVIEW.

A. Regular Council Meeting – June 16, 2010 @ 6:30 P.M.

B. Regular Council Meeting – July 7, 2010 @ 6:30 P.M.

C. Regular Council Meeting – July 21, 2010 @ 6:30 P.M.

Ms. Mahalick discussed the Craftsman Across America event scheduled for June 19, 2010 and asked for volunteers to participate. She also discussed the modifications to the Ethics Ordinance that she would bring to a future meeting.

14. FUTURE AGENDA ITEMS.

June 16th – Campbell Farms appeal.

Mayor Stearley reviewed this item for the Council.

Councilor Ring discussed the Car Show scheduled for June 20, 2010 Fathers Day.

15. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting.

VOTE: All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 8:22 P.M.

PASSED, APPROVED and ADOPTED this 16th day of June , 2010

Honorable Brad Hill, Mayor Pro-Tem

ATTEST:

Estefanie B. Muller, Clerk-Treasurer